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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,635	02/06/2004	Park B. Smith	0052718-0003	8344
826	7590 04/07/2005		EXAMINER	
ALSTON & BIRD LLP			JOHNSON, BLAIR M	
BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000			ART UNIT	PAPER NUMBER
CHARLOTTE, NC 28280-4000			3634	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	Applicant(s)			
Office Astion Comments		10/773,635	SMITH ET AL.				
•	Office Action Summary	Examiner	Art Unit				
		Blair M. Johnson	3634				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)□	Responsive to communication(s) filed on _	.					
2a) <u></u> ☐	This action is FINAL . 2b)⊠ This action is non-final.						
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the ments is						
	closed in accordance with the practice und	er <i>Ex par</i> te Quayle, 1935 C	.D. 11, 453 O.G. 213.				
Disposition of Claims							
4)⊠ Claim(s) <u>1-75</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.							
	5) Claim(s) is/are allowed.						
6)⊠	N⊠ Claim(s) 1-75 is/are rejected.						
	7) Claim(s) is/are objected to.						
8)□	Claim(s) are subject to restriction an	d/or election requirement.		•			
Application Papers							
9)[The specification is objected to by the Exam	niner.					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:							
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No.							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
See the attached detailed office action for a list of the certified copies not received.							
Attachment	k(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)							
Paper No(s)/Mail Date 2/26/04 6) Other:							

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien in view of Shukat et al.

O'Brien discloses a panel that is supported from a rod by way of either a continuous sleeve 52 or 48, by tabs 66, or by rings 94. Also provided are spaced guide elements 26 which guide pull cords 60 or 88. The panel is made of cotton fabric, column 3, line 58. The synthetic fabric of claim 7 is not chosen, thereby obviating the limitation of claim 9, etc. The use of the panel, i.e. room divider, wall hanging, etc., is a functional recitation that does not limit the structure of the device. The size of the panel is obvious depending on the size of the opening it is intended to cover. What is not shown by O'Brien are the slats, or the equivalent thereto, dowels. However, such are well known in the art, as illustrated by Shukat at 52. It would have been obvious to modify O'Brien to have such slats so as to provide defined pleats. See Fig. 5 in Shukat et al which illustrates the accumulated configuration of the panel.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (703) 308-0526. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Blair M. Johnson Primary Examiner

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BMJ 4/1/05